

Allowance

1. Applicant's amendment and response filed November 20, 2009 is acknowledged. Claims 1, 6-8 and 14-15 have been amended. Claims 25-26 have been added. Claims 2-4, 9-12, 18 and 21-22 have been canceled. Claims 1, 5-8, 13-17, 19-20 and 23-26 are under examination.
2. The Declaration filed under 37 CFR 1.132 submitted by Dr. Eric Finzi on November 20, 2009 is sufficient to overcome the rejection of claims 1, 5-8, 13-17, 19-20 and 23-24 under 35 U.S.C. 112 first paragraph based upon the data presented in the declaration. The declaration is sufficient for newly submitted claims 25 -26 as well.
3. All rejections of record are withdrawn in view of Applicant's amendment, declaration and response.

Examiner's Reasons for Allowance

4. The prior art does not teach or disclose a method for treating major depression, dysthymia or primary intermittent anxiety in a subject, the method comprising selecting a subject diagnosed with a disorder consisting of major depression, dysthymia or primary intermittent anxiety using specific clinical criteria for major depression, dysthymia or primary intermittent anxiety administering to the subject 30 to 50 unit equivalents of botulinum toxin to one or both of a corrugator supercilli muscle and a procerus muscle to cause paralysis of one or both of the corrugator supercilli muscle and the procerus muscle and wherein the subject is also treated with a therapeutically effective amount of a selective serotonin reuptake inhibitor (SSRI) thereby decreasing the ability of the subject to frown and treating the disorder consisting of dysthymia or primary intermittent anxiety in the subject.

Status of Claims

5. Claims 1, 5-8, 13-17, 19-20 and 23-26 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANESSA L. FORD whose telephone number is (571)272-0857. The examiner can normally be reached on 9 am- 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on (571) 272-0756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanessa L. Ford/
Primary Examiner, Art Unit 1645
March 8, 2010

Application/Control Number: 10/773,785
Art Unit: 1645

Page 5